

Amendments to the Specification

Please replace the following paragraph on page 10, starting at line 11, under the section entitled SUMMARY OF THE INVENTION, with the following:

According to the invention, there is provided a hybrid maize plant, and its parts designated as 33K39, produced by crossing two Pioneer Hi-Bred International, Inc. proprietary inbred maize lines GE04979108 and GE760453. These lines, deposited with the American Type Culture Collection, (ATCC), Manassas, Virginia 20110, have Accession Number [[_____]]PTA-6391 for GE04979108 and Accession Number [[_____]]PTA-6381 for GE760453. This invention thus relates to the hybrid seed 33K39, the hybrid plant and its parts produced from the seed, and variants, mutants and trivial modifications of hybrid maize 33K39. This invention also relates to methods for producing a maize plant containing in its genetic material one or more transgenes and to the transgenic maize plants and their parts produced by those methods. This invention further relates to methods for producing maize lines derived from hybrid maize 33K39 and to the maize lines derived by the use of those methods. This hybrid maize plant is characterized by high yield for its maturity and excellent root strength.

Please replace the following paragraph on page 70, beginning at line 1, under the section entitled DEPOSITS with the following:

Applicant has made a deposit of at least 2500 seeds of hybrid maize 33K39 and inbred parent plants GE04979108 and GE760453 with the American Type Culture Collection (ATCC), Manassas, VA 20110 USA, ATCC Deposit [[No. _____]]Nos. PTA-6415, PTA-6391, and PTA-6381. The seeds deposited with the ATCC on [[_____]]December 6, 2004, December 1, 2004 and December 1, 2004, respectively were taken from the deposit maintained by Pioneer Hi-Bred International, Inc., [[800 Capital Square, 400 Locust Street, Des Moines, Iowa 50309-2340]]7100 NW 62nd Avenue, Johnston, Iowa 50131-1000, since prior to the filing date of this application. Access to this deposit will be available during the pendency of the application to the Commissioner of Patents and Trademarks and persons determined by the Commissioner to be entitled thereto upon request. Upon allowance of any claims in the application, the Applicant will make available to the public, pursuant to 37 C.F.R. § 1.808, sample(s) of the deposit of at least 2500 seeds of hybrid maize 33K39 with the American Type Culture Collection (ATCC),

10801 University Boulevard, Manassas, VA 20110-2209. This deposit of seed of hybrid maize 33K39 will be maintained in the ATCC depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the enforceable life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. Additionally, Applicant has satisfied all the requirements of 37 C.F.R. §§1.801 - 1.809, including providing an indication of the viability of the sample upon deposit. Applicant has no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicant does not waive any infringement of their rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.). [[U.S. Plant Variety Protection of Hybrid Maize 33K39 has been applied for under Application No. _____.]]